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Mexican federalism between ideology and facticity

Federalismo mexicano entre ideología y facticidad



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Abstract: From a review of the historical and legal state of the art, this paper analyzes the way in which Mexican constitutionalism has approached the issue of federalism. It is found that despite the fact that most studies on federalism are impregnated with ideological elements that call for greater decentralization, some authors, from a rather factual viewpoint, consider that in some specific issues the unification and homologation of laws and institutions is necessary. However, these positions are stuck in a positivist vision of the nation-state, which does not correspond to the current reality of the Mexican State, where we are witnessing the emergence of regionalist sentiments that are demanding historical vindications that make possible a new relationship with the federal government based on regional pacts.

Key words: Federalism, centralism, ideology, sovereignty, decentralization.

Resumen: Desde una revisión del estado de la cuestión histórica y jurídica, el presente trabajo analiza la forma en que el constitucionalismo mexicano ha abordado el tema del federalismo. Se constata que, a pesar de que la mayoría de los estudios sobre el federalismo están impregnados de elementos ideológicos que piden una mayor descentralización, algunos autores, desde una visión más bien fáctica, consideran que en algunos temas concretos es necesaria la unificación y homologación de leyes, e instituciones. Sin embargo, estas posturas se estancaron en una visión positivista del Estado-nación, que no corresponde con la realidad actual del Estado mexicano, en donde estamos siendo testigos del surgimiento de sentimientos regionalistas que exigen reivindicaciones históricas que posibiliten una nueva relación con el gobierno federal a partir de pactos regionales.

Palabras clave: Federalismo, centralismo, ideología, soberanía, descentralización.

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I. INTRODUCTION

Federalism is one of the better studied subjects of Mexican constitutionalism, but, paradoxically, it doesn't spark greater debate amongst jurists due to the strong ideological weight surrounding it. Practically every possible solution is directed to the strengthening of the states and municipalities powers with very few nuances. It is agreed that the strengthening must start from a coordination and cooperation that seeks, at the same time, the unity of the Mexican State.

With a more pragmatic vision, legislators have tried to find a way so that the rules of competition respect, on the one hand, the constitutional principle of the federal system, and, on the other hand, the weaknesses and asymmetries of the local governments, for this reason, in recent years institutions, systems and national laws that influence the three levels of government have been created, this is what we call national or symmetric federalism (Sistema Nacional Electoral, Sistema Penal Acusatorio, Sistema Nacional de Seguridad Pública Código Nacional de Procedimientos Penales, Guardia Nacional, Ley Nacional sobre el Uso de la Fuerza, Ley Nacional de Extinción de Dominio, etc.). Regardless, the performance of these systems has been limited by the ideological barriers of federalism, which mandates the states to be free and sovereign and the municipalities to be autonomous, but also by the historical reality of the states, which has proven them unable to be self-governed.

Within the causality analysis there is practically an accord that attributes the failure of federalism to centralism, practice that gets blamed for treating the states and municipalities in a paternalistic way, meddling with their electoral-political and budgetary fields. As a result, the logical and apparent answer is to strengthen the competencies of the states and municipalities, when in reality the problem is much more complex, since a large number of national and local interests are being affected.

While academia debates the level of decentralization required to make the federal system effective, reality surpasses it, since federalism has always depended on the political changes, molding at the whim of the political class not only on a national level, but on a local level as well. Its fragility not only relates to the centralist claims of the president in office of the Republic or to a bad design of the competence distribution, but also, to the absence of local self-governed governments, which does not allow them to stand up to the inevitable threats of the central power.

In view of the claims that the problem with federalism in Mexico is centralism, draws attention that some authors have approached it from a factual reality as a necessary evil. Some have expressed their support for the unification or homologation of the system of competences, others, as a national unity measure, some others as a necessity for the pacification of the country in order to achieve economical and social development. There are some that have even asked: why not be a centralist

country? However, this positioning parts from a positivist vision of the Nation-state that preaches for the unity of the State. There are no studies that address federalism from the Nation-state crisis point of view, where regional sentiments are demanding for historic vindication, in a new relationship with central governments.

The offered solutions to the federalism problem historically have departed from a dichotomy: either federalism is taken seriously, without taking in consideration its factual consequences or, the reality of the country gets taken seriously without taking in consideration any theoretical parameters. On the one hand, to only consider the theoretical principles of the 40th constitutional article in the sense that the states must be free and sovereign and the municipalities autonomous, and, on the other, ponder the reality in which states and municipalities live, which has led to some experts in Mexican constitutionalism to justify centralization or unification to some degree, and the risks this represents. No other form of competences distribution has been presented so that federalism gets shielded from the personal ways of understanding it or that opens perspectives to, for example, the emergence of regionalisms and differentiated pacts. It is within this context that this paper gets relevant, as there is no single truth or single correct solution, but rather a list of problems that must be pondered upon.

From a deductive, legal-analytic and historic methodological analysis, the general objective of this paper is to review the state of the matter of the way in which Mexican constitutionalism has approached the federalism-centralism connection since the 1917 Constitution, this will allow us to recognize the reasons for which some of the specialist have justified some kind of centralization of competences and disprove the idea that within Mexican constitutionalism there is a consensus towards a new dual federalism, characterized for a greater decentralization and the strengthening of the sovereignty and autonomy of states and municipalities. Starting from this review of the state of the art, we take as a particular objective to determine if the theoretical and factual studies about federalism start off from a positivist logic of the Nation-state or, conversely, if they start off from the Nation-state crisis perspective. The analysis starts off from the following methodological statements: The historic centralism of the Mexican political system is the only one to blame for the failure of federalism? what is the responsibility of the states? is decentralization the answer? is there a way, other than dual federalism or coordination federalism, to improve the competence distribution system in Mexico? It is hypothesized that most of the federalism studies are impregnated with ideological elements and that this has shaped the debate about new ways of competence distribution. While there is a sector of doctrine that, parting from a rather pragmatic vision, deems necessary the unification and homologation of laws, institutions, criteria or procedures, it also starts off from a positivist view of the Nation-state that dominated in the XIX and XX centuries, but that does not correspond with the current reality of modern States.

The purpose of this paper is to contribute to the consideration of a better competence scheme not with the ideological veil that surrounds it, but through a new reality of the Mexican State that does not correspond with the nineteenth-century concept of the Nation-state. To put it as Luis Aguilar Villanueva (1995): “No hay nada

más peligroso para la estabilidad y buena marcha de la República que dar sin más por buenas y verdaderas las corrientes de opinión y los estados de ánimo colectivo que en determinado momento social afloren, arraigan y sean dominantes” (p. 99). This paper is divided into four sections that follow a historical-analytical methodological line. The first section shows how the federalism, elevated to an unreformable, immutable ideological principle within the 1917 Constitution, yielded before the reality of a postrevolutionary political system. The second section analyzes the outcome had in Mexican constitutionalism by the decentralizing proposal that came from the international doctrine, that was conceived parting from a general theory as the answer to the serious dictatorial problems in Latin-American governments. The third section, analyzes and confronts the postures of both classical and recent authors who have addressed the federalism problem, some that keep advocating an ideologized decentralization and others that justify centralists or unifying measures at some point in time and in certain competencies, despite having a consensus in Mexican constitutionalism that recognizes that the problem with federalism in the country, historically, has been the excessive centralization of Mexican politics. In the last section of this paper, we reflect on the fragility of democracy and federalism in Mexico, which reminds us that they are both designed on a mold easily malleable by the political class.

II. FEDERAL PRINCIPLES OF THE 1917 CONSTITUTION FACING POSTREVOLUTIONARY REALITY

Mexican federalism is grounded on the principle that the states are free and sovereign in everything concerning their inner regime. This principle has been taken to the extreme by Mexican constitutionalism by following the example not of North American federalism, but of the Articles of Confederation (Hamilton, 1994), whose second article states that every state would preserve its “sovereignty, freedom and independence”, but in his Constitution there is no word about the states being free and sovereign, let alone independent.² The fathers of north American federalism understood perfectly that declaring the sovereignty of the states was a direct threat to the unity through federation. The idealization that the states of the republic must be free, and sovereign was adopted by Mexican constitutionalism as a fundamental principle (Carpizo, 2011; Canudas, 1994) that has limited the flexibility of federalism to fall into radical postures parting from literal close-minded interpretations: either one is completely free and sovereign or one is centralist.

In the 1917 Constitution the same principles as in the 1824 and 1857 constitutions are returned to, by proclaiming the states to be free and sovereign in everything concerning their inner regimen. Yet again, federalism presented the recognition of the

² The Mexican Constitution of 1824 does not expressly state that the states of the Republic must be free and sovereign, although in some articles there is an allusion to their Independence in accordance with the Acta constitutiva, which in article 6 states that “Sus partes integrantes son estados libres, soberanos e independientes, en lo que exclusivamente toque a su administración y gobierno interior, según se detalla esta acta y en la Constitución general”

local facing a centralist despotic government. Decentralization was announced to be an indispensable element for democratization in the country and to bring an end to the despotic regime of Porfirio Díaz, which evoked the colony and Santa Anna's dictatorship. In that sense, federalism came to be, more than just a simple competence pact, it came to be a liberal ideology brought to life in the constitutional text as a principle. José Isidro Saucedo (2018), in his work "El federalismo y el centralismo como ideologías constructoras del Estado mexicano", has evidenced the ideological weight of the Mexican constituent, to the point that he suggests that the ideological parties have been the engine of both progress and regression and eventual standstill of the political system in our country.

It should be noted that facing the federalist and decentralizing claims of the revolutionaries there was a clear understanding of the situation each of the states was in. One of the very first actions Venustiano Carranza as "primer jefe" of the constituent army was issuing the Ley del Municipio Libre on December 25, 1914, where, additional to suppressing political leaderships and decree municipal freedom, he also limited the term of governors to six years with the inability to be reelected. That is to say, Carranza was aware of the anarchy that existed within the states, and which came to be with the permission and complicity of Porfirio Díaz. In some states the government instability was more than alarming, and in some others, local dictatorships had been created. In Jalisco, for example, five governors alternated among themselves for a total of 72 times, from 1883 to 1911, just under 30 years (Juan R. Zavala, 22 times; Luis C Curiel, 20; Miguel Ahumada, 13; Francisco Tolentino, 10, and Maximiliano Valdovinos, 7). In Tabasco Abraham Bandala Patiño held the position of governor for 16 times between 1887 and 1919. In Veracruz, Teodoro A. Dehesa Mendez lasted in office for 19 years (1892 a 1911), for five consecutive terms. In Nuevo León, Bernardo Reyes, akin to the porfirist regime, held the position five times between 1885 and 1909, for nearly 20 years.

Federalism in the 20th century was used by the state party as an ideological revolutionary flag, self-proclaiming itself as one of its heirs, meanwhile, academics saw it as one of the fundamental unchangeable principles of the Constitution (Carpizo, 2011; Canudas, 1994): "son la idea rectora y las bases del orden jurídico, son los que lo marcan y circunscriben, son su propio cimiento y esencia, son las columnas jurídico-políticas que lo singularizan y sustentan todas las otras normas constitucionales y legales" (Carpizo, 2011, p. 13). Municipal autonomy was presented as the alternative to the centralism lived under Porfirio Díaz, however, 1917's constituent expectations were far too high. Congressman Heriberto Jara (1917), in his intervention in the constituent debates, highlighted the supposed benefits of the free municipality, which seemed more a surreal yearning, with no prior evidence to support it:

Cuando sepa un Municipio convecino de otro que en éste se está desarrollado una magnífica acción en pro de la educación pública, esto servirá de aguijón, de estímulo para que el otro Municipio procure hacer lo mismo, para que procuren los habitantes tener en su población suficiente número de escuelas y tener profesores bien pagados, para que la acción escolar sea efectiva y eficaz. (Jara, 1917)

Federalism was soon shaped to exercise a practically omnipresent control all over the country, within a peculiar system that Sartori (2001, p. 221) described as a deviation from the presidential system, “un presidencialismo autoritario sostenido por un sistema de partido hegemónico”. As is well known, 20th century presidential system implemented a control and subordination system all over the country, held up by an institutional and corporate apparatus outside of the constitution. Through the so-called metaconstitutional powers of the federal executive a process of defederalization began (Fernández, p. 8). Although the constitutional literature usually attributes Mexican federalism ills to presidentialism, there is a causal source that is little explored by jurists: regional leadership and the absence of truly self-governing local ambits, which made it impossible to think in real democratic lawful states that served as counterweight to the executive federal power. The reflections came from a historiographical and sociological perspective, among which the classic work of Pablo Gonzalez Casanova stands out (1998, p. 46), *La democracia en México*:

“Los caudillos, con sus huestes armadas más o menos obedientes y leales al jefe revolucionario, y los caciques de los pueblos y regiones, supérstites de la colonia y de la época prehispánica, que en persona eran los mismos del porfirismo, o habían sido sustituidos en las mismas funciones por los nuevos hombres de la revolución, dominaban todo el panorama nacional”.

While it is true that one of the singularities of the party state regime was to add to their ranks local leaders and chiefs, the reality is that, as Gonzalez Casanova put it, local governments enjoyed a very important autarchy, for everything depended on them: “la riqueza, los puestos, el honor de las familias, el futuro político [...]. Dueño y señor de todo el territorio y el destino de sus habitantes” (p. 47). According to the Mexican philologist, the central government used the army to subdue those “caudillos” who did not want to accept the new political rules and implement national norms to replace the personal norms of the local chiefs (p. 49). In line with this, Rogelio Hernández Rodríguez (2009, p. 195) argues that, despite the strong centralism exercised by the PRI regime, the local mandatories were far from being mere representatives or administrators of the states, since they enjoyed a wide autonomy, which translated into a practically absolute control of local institutions. The power of the governors was considerable, since they committed all kinds of arbitrary acts and outrages, and the federal executive only intervened when the stability of the state was at risk, due to the evident anarchy that threatened the institutions.

The federalization foreseen in the 1917 Constitution did not turn out to be in accordance with the wishes of the constituent but ended up being a simple illusion. The symbiosis between central government and local governments resulted in the peculiar federal system of governmental accompaniment and arrangements, while for the central government federalism represented an obstacle to impose its hegemony throughout the country, states and municipalities used the federal principles of free and sovereign states, as well as municipal autonomy, as a legal-political subterfuge to cover up corruption and impunity (Chaires, 2018). The debates within the academic circles of constitutional law were oriented to make effective the federal

principles of state sovereignty and municipal freedom, turning federalism into an end and not a means, so that the regime of distribution of competences ceased to be a subject of reflection from its facticity. It was argued that the problems of federalism responded to a derailment of the constitutional principles by the political class and not to the Constitution itself. The concentration of power by the federal executive was not an endemic problem, but a degradation of Mexican politics. Finally, the 1917 Constitution contemplated various mechanisms to counterbalance power, as well as the proclamation that Mexico was composed of free and sovereign states; failure to respect them was not attributable to the Constitution.

For Jorge Carpizo (1972), the problem resided in the so-called metaconstitutional powers of the federal executive and, among them, one of the most important was the budgetary subordination exercised by the central government over the states. Burgoa Orihuela (1996, p. 464) asserted that the form of federal State, described according to the doctrinal postulates enshrined in the Constitution, did not correspond to the reality of federalism in our country, because there was a predominance of the federal executive over the states and municipalities, who ended up appointing the governors. He argued that the governors acted as mere auxiliaries or collaborators of the president, “por no decir como servidores del mismo”. González Oropeza (1993), in his work “Sistemas federal y presidencial en México”, attributes the concentration of political power to the relationship of the President of the Republic with the political parties. He argues that the entire federal system was in danger the moment he was able to control the majority national party, and that although the congress and the judicial power were assigned important counterbalancing functions (political, economic and jurisdictional), the Federal Executive knew how to adapt its functions to exercise them in a discretionary manner.

The hegemony of the State party led the main opposition party, identified as conservative, to proclaim itself a defender of federalism and the free municipality, paradoxically adopting some of the liberal principles of Mexican constitutionalism. Finally, federalism has become the project of all political parties, so there are no dissenting voices in the political class at the risk of being labeled as conservatives or traitors.

III. THE IDEALIZATION OF DECENTRALIZATION

The weakening of the State party or the strengthening of opposition parties since the 80's and 90's encouraged the hope of advancing towards a “true” or “new” federalism, inspired by the decentralizing guidelines of studies coming from international organizations, such as the United Nations or the World Bank, with the purpose of strengthening democracy in the world. Political and administrative decentralization was taken as a solution to the dictatorial problems of Latin American countries, without considering the peculiarities and different local realities, particularly the situation of Mexico which, although it was far from being a democratic system, could not be compared to the military dictatorships of Latin America. This decentralizing wave

was welcomed by Mexican constitutionalism to vindicate the sovereignty and autonomy of the local level and, in this way, to think about the construction of this true or new federalism. However, no mention was ever made of the institutional capacities of local governments to assume these responsibilities. Once again, as happened with the constituent of 1917, it was thought that local governments could take charge of their internal regime, it was only necessary to let them exercise their attributions with full autonomy so that they could deploy all their capacities. Ortega Lomelín (1988), in his work *El nuevo federalismo y la descentralización*, concludes that the only possible solution to the centralizing tendency of the Mexican political system is for the states to enjoy full autonomy. In the same year, the work of Jacinto Faya (2014), *El federalismo mexicano. Régimen constitucional del sistema federal*, mentions that the expansion of attributions and the imbalance in favor of the federal government was being reversed, that there was a current within the government that wished to make a deep decentralization based on new competences for the benefit of the states and municipalities (pp. 9-11).

At the VII Congreso Iberoamericano de Derecho Constitucional held in 2002, general guidelines were established for a new federalism based on the decentralization of powers, but through coordination and collaboration mechanisms. The members of the Comisión de Estudio para la Reforma del Estado, conclusiones y propuestas, coordinated by Porfirio Muñoz Ledo in 2004, took the same position. Among the agreements and proposals was the need for a redistribution of attributions to local governments, through the construction of an authentic federalism that would vindicate the free and sovereign character of the federal entities. More recently, authors such as Enrique Rabell, Gabriela Nieto and Juan R. Jiménez (2013) in their work *Federalismo en México*, joined the proposals for a new federalism that would imply an effective devolution of attributions to the states. They conclude in their study that the entities and municipalities had limited themselves to being executors of national decisions, since the federation centered certain prerogatives such as the monopoly of legislation in some matters, the establishment of national plans and objectives, as well as the supervision and audition of many services.

It is necessary to briefly analyze decentralization from two perspectives: as an instrument of governance and as a limit to power. As regards the first aspect, it is well known that the local sphere has been seen as the natural space for solving the population's problems because it is the closest government body which, in theory, is the one that knows and understands better the needs of the population, as opposed to the decision-making process carried out from the metropolis. The municipalists emerged, who bet on the strengthening of the municipality as an antidote to historical centralism (Covarrubias 2004). It was believed that through the transfer of powers, democratic and self-governing local governments would be established, similar to the counties, "cabildos", cantons, provinces, "comarcas", departments or *länder* of other countries. However, it was not considered that the simple transfer of powers did not automatically generate responsible and effective governments, since many of them saw the great opportunity of not being accountable, in a misunderstood autonomy. "Autonomía sin responsabilidad", as Alejandro Nieto (2008) calls it, for whom irresponsible autonomy is the first cause of municipal disaster, "dado que autonomía sin responsa-

bilidad ni control es puro desgobierno" (p. 291).

The possibility of having democratic and self-governing local governments is not a thaumaturgical act, but rather a long process of cultural assimilation and respect for legality. For international doctrine, federalism cannot be understood without a set of strongly rooted civic and political values. This was the understanding of Tocqueville (1995), for whom the success of the American federal system lay in the fact that the people were accustomed to directing their affairs by themselves, because knowledge of politics had descended to the lowest strata of society. Similarly, Michael Burgess (2006) believes that the only way to understand American federalism is through its political experience, an actual practice of local colonial self-government over many years, which helped shape a distinct federal political culture. The United States, according to Burgess, was built based on the sovereignty of the people, but from the bottom and spiraling upward from the individual in local and municipal communities to build the federal government. In Mexico, the exact opposite happened to American federalism. Here it was intended to be built from above, from the center, since the inhabitants of the provinces were not prepared to assume the great responsibility of taking command of their government. Having been relegated from high positions during the colony, they never participated in the decision making of government affairs; in any case, the few Creoles Americans within the administration of the viceroyalty were limited to being simple executors of the decisions made from the Metropolis. José Carlos Chiaramonte (2016), attributes the failure of federalism in Latin American countries to the weakness of the provinces which, according to the Argentine historian, if we compare them with the North American states at the time of independence, most of them possessed less institutional solidity and less economic power.

It was not for nothing that Lucas Alamán was convinced that the fundamental cause of the problems of the newly born Republic resided in the great autonomy enjoyed by state officials since the Constitution of 1824, which he considered to be incompatible with the political stability and development of the country (Samponaro, 1981, p. 359). As is known, Fray Servando Teresa de Mier (2013) was of the same opinion, so he advocated a progressive transition towards federalism, due to the ignorance of most of the population who, according to him, did not have the slightest idea of what federalism was. Even Simón Bolívar (1815) was very skeptical about the adoption of the federal system in the countries recently emancipated from the Spanish crown. For the Liberator, the excessive powers of the provincial governments in Nueva Granada and the lack of centralization had led to the catastrophic situation in which the newly independent country found itself. He considered that the North American democratic and federal model did not suit "a nuestro carácter, costumbres y luces actuales" (p. 22), since it had been the result of "virtudes y talentos políticos muy superiores a los nuestros" (p. 25).

It is noteworthy that the vast majority of specialists, despite recognizing the great differences that exist between the United States and Mexico with respect to the formation of federalism, do not attribute any responsibility to local governments for its failure. Luis Medina (2016) recognizes that federalism in the United States and Me-

xico followed very different paths: while there it was essentially an agreement of the thirteen colonies, which had come of age with their own developed economic systems, in Mexico an imperial system operated with delegates who centralized decision making in the Metropolis. However, it does not assume the weakness of local governments as a source of causality for the failure of Mexican federalism. He does not admit that the sovereignty and autonomy of states and municipalities are generators of the problems of abuse of power and corruption at the local level. Luis Medina (2016) refuses to correlate that federalism produces thieving governors and “caciques”, “Es una mentira del tamaño de una catedral porque hay Estados unitarios en donde la corrupción es rampante, vease España y aunque usted no lo crea, también el Reino Unido”. Enrique Rabell, Gabriela Nieto and Juan R. Jiménez (2013, p. 117) take the same position, stating that the fear of granting greater freedom to the federal entities (under the pretext that this would lead to a situation like what happened with the autonomous or decentralized bodies that were reproached for their lack of transparency or expertise in the administration of their resources) is not a sufficient argument to continue under the same centralizing scheme. For the authors, the solution is to take precautions in the design of new public policies to reduce such chaos. The question arises as to who will design and implement such public policies, because the problem lies in the fact that two hundred years have passed, and local governments are still expected to do so.

We cannot lose sight of the fact that federalism, as a system of distribution of competences, must lead us to determine which is the suitable and capable instance to know certain attributions. The analogy can be made with two people who divide the work to deliver products in vehicles, only that one of them is a minor, does not know how to drive and, what is worse, grew up and never wanted to learn how to drive. This has led us to be unclear about who should oversee certain competencies, as their determination is influenced more by ideological issues and dogmatic principles and rules than by factual issues. Raúl Mejía Garza and Laura Patricia Rojas (2018), in their book *Federalismos(s). El rompecabezas actual*, besides evidencing the complexity of the federal system, suggest that the increase in normativity, particularly, of laws called general and that seek both the stewardship of the federation and to influence the local level, is due to the need for coordination, but also to an evident lack of efficiency.

As for the second aspect of decentralization, federalism, in addition to being a system of distribution of competencies, serves to establish limits to power; however, it should not only be aimed at limiting the interference of central power in the attributions of local governments, but at all three orders of government; that is, it not only operates in an ascending manner, but also in a descending one. One of the major concerns of North American federalists was precisely that local governments should not be subject to controls. For Hamilton (1994), this was the first and most visible defect of the confederation: “Los Estados Unidos, tal como están organizados, no tienen el poder de exigir la obediencia o castigar la desobediencia de sus mandatos, no por medio de multas, no de la suspensión o privación de privilegios, ni mediante ningún otro procedimiento constitucional” (p. 82).

The intervention of the central power in local jurisdiction has not only been

due to the absolutist ambitions of some of the presidents of the Republic, but, contrary to the opinion of the great majority of jurists, many of the invasions of the internal regime of the states have been motivated by the appropriation of power by local interest groups, which historically have imposed their will, as has been evidenced by important historians and some jurists.³ Authors such as Pablo González Casanova (1998), Josefina Zoraida Vázquez (1993), Guy P.C. Thomson (1995), Jaime Olveda (2014), Tena Ramírez (2001), Mauricio Merino (1997), Chiaramonte (2016), among others, have shown that, despite the centralization of the federal system, centrifugal forces linked to local and regional cacique loyalties persisted, who, through armed rebellions, reaffirmed their sovereignty, often forcing state and federal governments to give in to their pretensions in order to achieve their often illegitimate interests, in a permanent struggle between national caudillos and regional and local caciques (Thomson, 1995). Similarly, José Carlos Chiaramonte (2016) considers that the failures of Latin American federalism do not stem only from the interference of the central government, but also, and mainly, from the weakness of the provinces, which have not been able to lay the institutional foundations to confront local “caciquismo”.

If it is recognized that acts of impunity and corruption are also committed at the local level, and that the institutional solidity and political culture necessary to build democratic governments are lacking, this leads us to the following questions: how can the abuse of power in the states and municipalities be limited? and how can we have democratic and self-governing local governments? We have been told that each state of the Republic, within the scope of its freedom and sovereignty, should be responsible for establishing and making control mechanisms effective, in a utopian idea of legal positivism based on the self-limitation of power (Jellinek, 2000); or that the citizens should assume a proactive role as watchdogs of governmental activity, however, expectations are not very encouraging since the channels of participation are appropriated by the same local or national power groups, as well as the little or no culture of political participation: those that do exist have not had an effective impact. Particularly worrying, according to Luis F. Aguilar and María Bustelo (2010, p. 45 and 46), are the processes of citizen inclusion or exclusion, which facilitate the channels of communication and participation to government partners and supporters; even more, if we consider that Mexican society is involved in political affairs to a lesser extent compared to other countries, as recently evidenced by Fernando Nieto and Fernando Somuano (2020). They even assert that the little political participation of protest is subordinated to political parties “hasta el punto que puede afirmarse que la política disruptiva la impulsan los propios partidos cuando les conviene” (p. 53). But it is more discouraging if one considers, as demonstrated by authors such as José Santos Zavala and Francisco Porras (2012), that citizen participation and decentralization policies have not necessarily implied effective local governments, since they have failed to transform institutional capacity into more efficient organizational spaces,

³ In this regard, see the Works of Josefina Zoraida Vázquez, who has coordinated two excellent Works: “El establecimiento del federalismo en México (1821-1827)” and “Práctica y fracaso del primer federalismo mexicano 1824-1835”, in which several authors agree that the diverse regional interests became obvious throughout the territory and that the ideological and territorial rearrangements that arose after the emancipation showed the lack of unity and social cohesion for the consolidation of the Mexican State.

with better quality in their public spending. In this sense, it can be concluded that, if the freedom and sovereignty that our constitutional text prescribes as characteristics of federalism does not favor the existence of thieving governors and caciques, it has not prevented it either.

IV. CENTRALISM AS A NECESSARY EVIL

Although Mexican constitutionalism has pointed to centralism as the great culprit of the evils of the Mexican political system, some of them have seen it as an evil that finds its justification in certain competencies and in accordance with historical circumstances. In some cases, as a measure of unification and homologation (Raúl Carrancá and Trujillo, 1944; Alcalá-Zamora and Castillo, 1960; Carpizo, 1972), in others, as an instrument of national unity that implied the pacification of the country and its economic and social development (Burgoa, 1996; Gamas, 1975, Zorrilla, 1994; Armenta, 2010 and Serna de la Garza, 2003; Aguirre, 1997). The idea of unifying criminal legislation has been a recurring theme in criminal academia for many years now. Some of the most important jurists in our country, such as Raúl Carrancá y Trujillo, Alcalá-Zamora y Castillo or Jorge Carpizo, supported its unification, although from an orthodox point of view it is evident that it goes against the principles of federalism, as Sergio García Ramírez shows when he points out that it is not about federalization, but rather centralization (2020, p. 173). Raúl Carrancá y Trujillo wrote in 1941 a work entitled "La unificación de la legislación penal mexicana" and in 1960 Alcalá-Zamora y Castillo published "Unificación de códigos procesales mexicanos, tanto civiles como penales". The position of Jorge Carpizo (1972), who despite being an ardent critic of the centralism of the Mexican political system, was openly in favor of the unification of the penal codes. Carpizo considered that the subject had unfortunately become taboo and that any argument against it was impregnated with emotional content, so it would be very difficult to convince that the unification of the codes did not make our country any more or less federal. According to García Ramírez, important jurists such as Fernando Román Lugo, Luis Porte Petit Moreno, Celestino Porte Petit, Luis Fernández Doblado and Olga Islas de González Mariscal, supported the proposal of unification or harmonization of the penal codes that went as far as a proposal for a model penal code for Ibero-America (García, 2020, p. 174). More recently, jurists such as Ricardo Franco Guzmán, Irma Griselda Amuchategui, Miguel Carbonell and Arturo Villarreal Palos have joined the pro-uniformist side. Villarreal Palos (2019) offers as reasons for unification: first, the problems generated by the fact that each state adopts new trends and advances in law, as well as the interpretation of the Court at different rates; and second, international commitments that force not only the federal government, but also local legislatures, to legislate in accordance with certain parameters, which is not done in a uniform manner due to the different cadences of the federal entities.

Ignacio Burgoa (1996), for his part, accepted that federalism in Mexico is not the work of a natural evolution, but an artificial construction; that political unity has

been the characteristic of the country and that federalism is manifested in a simple decentralization: in some way he justifies the power of the central government as it consolidates and expands in order to maintain that unity, as a natural consequence of the economic and social progress of the country. In fact, for the constitutionalist, Mexico is not really a federal State in the strict sense of the term, but a decentralized State: “si conservamos la forma federal de Estado es solo por un trasunto histórico y por una mera reminiscencia ideológica, que en la esfera puramente teorico-juridico y teorico-politico conserva su intangibilidad como mera estructura sin correspondencia fáctica” (p. 464). He warns, however, that this broadening of federal powers to the detriment of the powers of the states should not reach the autonomy of their executive, legislative and judicial bodies: “La subsistencia de dicha facultad y la participación de los Estados en la expresion de la voluntad nacional serán el ultimo reducto del regimen federal mexicano, es decir, la única barrera que a la postre deba evitar que la evolución económica y social de México transforme a nuestra patria en un verdadero Estado nacional” (p. 416).

José Gamas Torruco (1975), although in his work *Federalismo mexicano*, points out that the predominance of the central government over the states was a constant that can be explained by historical reasons, in his work *Federalismo fiscal* (2001) suggests that this centralizing process was unquestionably functional, since it pacified the country and led to economic development. He believes that the president-party-government relationship was created as a “respuesta práctica a las necesidades de mantener el orden, lograr el arraigo de las instituciones, cumplir un programa social, crear la ingraestructura necesaria, acelerar el desarrollo económico y llenar las necesidades de una sociedad endémicamente desigual y en crecimiento acelerado” (p. 158). However, he clarifies that with the passage of time centralization became an impediment to advance to new stages from the economic, political and social point of view. A change in the critical argumentation on federalism can be seen in the work of Manuel González Oropeza, who after pointing out centralism as one of the problems of the jurisdictional regime in his various works, in 2014 wrote an article entitled “Federalismo electoral”, where he defends the 2014 political-electoral reform, which had been harshly criticized because it was said to represent a setback to federalism, since, among other things, it harmed the freedom of the federative entities to appoint their own authorities and issue their own laws. In his opinion, although he accepts that the reform limited the faculties that the states of the Republic had in electoral matters, he considers that what was really sought was: “el fortalecimiento de las instituciones responsables de la organización electoral en el país, de brindar legitimidad y certeza al sistema que permite la renovación de los representantes políticos de la Sociedad, dentro de un marco de tranquilidad” (p. 16).

One of the few accusations that have been openly made against the states and municipalities for their responsibility in the failure of the Mexican federal system can be found in the work of Leonel Alejandro Armenta López (2010). Although in his various works he is very emphatic in denouncing the proliferation of centralizing mechanisms, he does not diminish the responsibility of the states and points out that if Mexican federalism has not worked, it is because the states have allowed the Executive Branch to be the only protagonist of the federal system. He is of the opinion that

the problem gets exacerbated because the states have not been able to create their original elements, nor to redesign the structure of their society and, much less, to shape a political project. He even asserts "que es válido pensar que la debilidad de las entidades federativas no se debe a la fortaleza del poder central, sino que la fortaleza del poder central se debe a la debilidad de las entidades federativas" (p. 11). Enrique Aguirre Saldívar (1997), for his part, came to question why we are not a centralist country if historically and culturally Mexico has been prone to centralism, or why an intermediate model such as the regional one, like that of Spain, Italy, France or England, was not thought of as appropriate to the Mexican reality. He refers to a not gratuitous centralism, which in its time and circumstances had found justification, so he suggests that it should not remain in the atavism of sterile criticism of that centralism (p. 104). However, Aguirre is not consistent in his arguments or proposals, since he considers that the reasons to justify that kind of centralism no longer existed, so he proposes to advance in the strengthening of federalism through a distribution of political power, but with the warning that it would not be easy to achieve this transition due to the strong centralist tradition of the country. On the other hand, he is not in favor of decentralization for the sake of decentralization, that promoting federalism should not mean strengthening the federative entities to the detriment of the national State and lead us "al extremo de soltar responsabilidades en forma desmedida y sin asegurar los mecanismos que permitan mantener el control de recursos, funciones y servicios, so pena de perder vacíos de poder, anarquía y, aún más grave, la disolución de la unidad nacional" (p. 105), since the aptitude and capacity of the states and municipalities should be evaluated first. He specifies that both the qualities and the development of the states and municipalities should be the parameters that mark the extent to which this decentralization should take place, if it implies improvement and ensures benefits.

A rather moderate position is that of José Ma. Serna de la Garza who, even though in his various works has denounced the high degree of centralization that our country has experienced, particularly due to the former political system, accusedly presidentialist and of the hegemonic party, is not in favor of a full and categorical decentralization, but rather of a gradual and progressive one. In the face of proposals for greater decentralization within the framework of a new federalism, he is skeptical: "Por nuestra parte, creemos que, dadas las condiciones del México actual, no es muy realista trazar un horizonte de reformas del Sistema federal mexicano que nos lleve a un esquema altamente descentralizador" (2015, p. 326). In fact, he stresses that he does not believe it is convenient for the country. For Serna de la Garza, the great weakness of the states and municipalities, as well as the inequality in terms of level of development, institutional capacities and financial resources, make it unfeasible to return to a rigid model of dual distribution of competencies. He favors a federal government with sufficient competence and resources to face an increasingly complex and heterogeneous society. It considers that there are structural problems that demand the attention and management of the federal government, so it would be more appropriate to move towards a progressive decentralization, which allows the strengthening of the entities, without reducing the capacity of the federal powers.

It should be noted that all these positions respond to a particular way of

understanding federalism, which is based on the nineteenth-century conception of the nation-state, and which has traditionally been associated with the unity of the State. Federalism was conceived as the union of peoples or nations that made the existence of the nation-state viable. While recognizing the existence of two sovereignties, unity is also sought in order to face external and internal threats, as well as the prosperity of all constituent parts (Hamilton, 1994). However, this conception has not been static, as modernist-constructivist theory has made it possible to imagine diverse nationalities within a state (Smith, 2000). In many cases, the nation-state has failed to erase the existing diversity and achieve the expected unity, which has given rise to the resurgence of regional claims. For Hastings (2000, pp. 14-17), this supposed cultural and political unity was merely a dream rather than a reality. It has been recognized that within a State there is not always a single people or a single nation, but a plurality of peoples and nations, made up of different cultures, traditions and customs, including different languages, religions and races (Heller, 1995). Mexican history has taught us that the unity of the Mexican people has historically been threatened, so that the personal way of understanding federalism that bets on its division and polarization has awakened regionalist feelings that are beginning to demand the revision of the federal pact. It is within this new reality that studies on federalism will have to be flexible enough to respond to existing demands.

V. FROM A PERSONAL FEDERALISM TO REGIONAL PACTS

In the face of what seemed to be the end of Mexican presidentialism and the beginning of the democratic institutionalization of counterweight mechanisms, it seems that today we are resurrecting a model that was thought to be part of Mexican political history. In the midst of the decline of the presidentialist regime, Alonso Lujambio wrote *Federalismo y congresos, en el cambio político de México* (1995), where he highlights the importance of federalism to bury the presidentialist regime of the 20th century and move towards democracy: “En el arreglo institucional federal se concentran las oportunidades y los retos centrales del cambio político de México” (51).

It was believed that the foundations on which the presidentialist system had been built had collapsed, making it difficult to reproduce; that the historical and political conditions that gave rise to it and nurtured it had been overcome. It was claimed that presidentialism no longer corresponded to the reality of the 21st century, since it was bound to the democratic evolution of the international environment and to a society that had accentuated its plurality, so that it could no longer be standardized by a hegemonic force, even if it was a majority force (Paredes, 2012). However, it is impossible to ignore that history has taught that it is cyclical, and that democracy is designed in a malleable mold, so we cannot bet that we will not see similar or even more accentuated anti-democratic practices again.

Political observers began to warn about the risks of a return to dictatorial regimes as they perceived those citizens were becoming disillusioned with democracy,

as it was not meeting their expectations. Alain Rouquié (2011), in analyzing the fall of dictatorial regimes and the implementation of democracies in Latin America, finds that anti-democratic behaviors were still present: "¿Cómo desaparecerían las prácticas autoritarias cuando los principales actores de los regímenes dictatoriales siguen presentes, y disponen de poderes institucionales para pasar sobre las decisiones que comprometen tanto el pasado como el porvenir?" (p. 157). *Democracy without democrats* became the epitaph describing the reality of transitions in Latin America, including Mexico. In 2011, the then Congresswoman Beatriz Paredes (2012) foresaw a catastrophic scenario that could hardly be imagined: "Pero lo que es más dramático, donde yo creo que hay esencialmente una incompreensión del ánimo, la búsqueda de la sociedad mexicana, es que se ha pretendido reproducir el modelo presidencialista del siglo XX" (p. 127). For his part, Aguilar (2014) says that "Grandes expectativas pueden tener efectos perversos" and warns about the idealization of democracy, since it may be based on ideological misconceptions that feed unreasonable expectations; democracy does not inevitably lead to an end to social and economic inequality, or to corruption and impunity: "Sería ideal eliminar estos defectos por completo, pero no es realista esperar que desaparezcan completamente en un espacio corto de tiempo" (p. 24).

With the arrival of the alternation of power, academics overflowed with proposals to strengthen control mechanisms and limit the president's discretionary powers. Although various counterweight strategies and public policies began to be designed and applied, there was not enough time for their consolidation, much less for a democratic and federal political culture to emerge. Perhaps it had to do with the fact that efforts were focused on the federal level, paying little attention to the local phenomenon, since it was understood that the democratization of the national political system carried with it the democratization of the states and municipalities and, with it, the emergence of effective and self-governing governments. We agree with Sergio Campos (2012) in the sense that, although the democratization process was conceived at the local level, its scope was projected at the national level, but that this was not reflected in the same way in subnational governments, since the transition arrived there in a marginal way, and thus became fertile ground for authoritarian enclaves to sprout. It was assumed that if the federal government was democratized, its effects would automatically descend to the local level, like a downward spiral. Unfortunately, neither one thing nor the other: democratic foundations were not established at the federal level and, consequently, their effects did not reach the local level. Acts of corruption and abuses of power continued to be a recurring theme with the novelty that the alternation in power brought to light the reality that was lived not only at the federal level but, particularly, in the states and municipalities. The local level ceased to be the space of virtues and benignities that would lead to the democratization of the country if only the principles on which federalism is based in Mexico of free and sovereign states were respected.

Without the subjection and alignment of the President of the Republic and the party in power to the local governments, the latter found the way paved to exercise power without being accountable to anyone. The relaxation of the party discipline of the once hegemonic party (plus the decentralization process without considering local governmental capacities, as well as a fragile institutional structure subjected to

the networks of local “cacique” relations and a society with little involvement in political affairs), augured a cocktail that sooner rather than later would bring its effects. The demand for greater decentralization without the necessary controls had a perverse effect, because instead of fostering and strengthening democratic governments and institutions at the local level, it encouraged and strengthened the local leaderships and, with it, acts of corruption and impunity on a large scale. After living in a presidentialist regime that reduced federalism to a mere imitation and realizing that decentralization, without strong and effective local governments, but above all, without controls, was leading to the misgovernment referred to by Alejandro Nieto (1997), the alternative of a symmetrical or national scheme of distribution of competences was sought in order to unify and homologate laws, institutions, procedures and criteria of operation throughout the country, trying to adjust it to the scheme of Mexican federalism, respecting, as much as possible, the freedom and sovereignty of the states and municipal autonomy.

Through different laws of a general nature and national institutions⁴, an attempt was made to unify what needed to be unified and decentralize what should be decentralized. The aim was for Congress to dictate the guidelines for their operation and control, thus avoiding, on the one hand, that the executive would once again have discretionary control of the institutions and revive presidentialism from its ashes and, on the other hand, to have a better and more efficient local public management based on the best national and international practices and experiences. However, the new institutional design through a symmetrical or national federalism was not allowed to prove its effectiveness. Unfortunately, the premonitions came true and the presidentialist system we thought we had overcome was revived. Democratic culture and institutions failed to solidify and now seem to be threatened by the resurgence of a longed-for presidential system. This has a lot to do with the weaknesses of the states, which have opened the doors for the federal government to try to fill the governance gaps experienced at the local level, invading powers that are proper and exclusive to the states and municipalities, whether they live in a federal or unitary system. Faced with the resurgence of presidentialism, some states have begun a counter-offensive to reclaim their sovereignty and respect for the federal pact. Among their demands is the revision of the fiscal pact, as they consider that their contribution to the gross domestic product is not equal to the amount they receive from the federation. The personal way of understanding federalism and the discretionary management of budgetary resources to benefit some states to the detriment of others, without considering the federal fiscal pact, may break the federal system as we have known it and give rise to a system characterized by regional pacts, determined by the capacity of self-government or dependence of each state of the Republic on the federal government.

⁴ Instituto Nacional Electoral, Instituto Nacional para la Evaluación Educativa, Sistema Nacional Anticorrupción, Sistema Nacional de Transparencia, Sistema Nacional de Seguridad Pública, Sistema Penal Acusatorio, Código Nacional de Procedimientos Penales, etc.

VI. CONCLUSION

Within the constitutional literature there is a consensus in attributing the problem of Mexican federalism to the excessive intervention of the federal government in the internal life of the states and municipalities. Although within the academy there are some nuances as to how to approach the problem, the great majority is in favor of a “new” federalism, which would imply strengthening the powers of the states and municipalities and the mechanisms of coordination or collaboration. Among legislators there is a vision that moves away from the academic one: from a rather pragmatic position, they have opted for a federalism that can be called national, which, through institutions, systems and laws of national character, has an impact on the three levels of government. However, due to ideological resistance it has not been able to demonstrate its effectiveness.

As we have seen, there are very few authors who, despite being fierce critics of the historical concentration of power by the federal executive, in certain circumstances have seen centralism as a necessary evil (Jorge Carpizo, Ignacio Burgoa, Leonel Alejandro Armenta López, Manuel González Oropeza, José Gamas Torruco, José Ma. Serna de la Garza), without this meaning that they are considered supporters of centralism and enemies of federalism. The debate is reduced to degrees, not to a change of jurisdictional regime other than federalism; this is due to the fact that studies on federalism are dominated by ideological issues, loaded with emotional elements that have prevented dialectical reflection. Since federalism was assumed as one of the banners of the Mexican Revolution and materialized as a fundamental principle of constitutionalism and, therefore, irreformable, the possibility of opening the debate to alternatives other than federalism under a rather factual perspective was forbidden.

It is assumed that we should be a federal country, basically for two reasons: first, because federalism is typical of liberal and democratic countries and, second, because multiculturalism forces us to a system in which states and municipalities must be free, sovereign and autonomous. However, international doctrine has refuted these assertions and has considered that an important element for the success of federal systems is the existence of a federal political culture that makes federal arrangements between self-governing subnational governments possible. Let us not forget, as theorists say, that federalism is not a panacea (Loveman, 1996), and it is not the only system that seeks democracy and the division of powers. It should be clear, as Juan Linz (1997) puts it, that democracies exist in both unitary and federal countries and that “la elección entre un Estado unitario o uno federal, por lo tanto, no es una decisión entre democracia o no democracia” (p. 9). Unitary countries can also be highly decentralized into regional, provincial or local governments, even with a greater degree of autonomy than some countries that claim to be federal; think of Spain and Italy, whose territorial division is not federal, but whose regions enjoy greater autonomy than the Mexican federative entities.

Federalism has failed in Mexico not only because of the institutional incapacity to impose controls on the ambition of Mexican rulers to concentrate power, but also because the states and municipalities have not been able to cement the federal political culture necessary to have self-governing democratic governments and institutions that do not make them dependent on the central government. How can a state of the Republic claim to be free and sovereign, when it is not self-sustaining, neither economically nor institutionally, and depends entirely on the federation? This dichotomy has led to proposals for a solution to the problems of federalism that revolve around determining the degree of decentralization that the country needs so that, on the one hand, the ambition to concentrate power can be avoided and, on the other hand, local governments can be supported in their needs and weaknesses.

However, these proposals are based on a positivist logic that seeks the unity of the State, so they do not address the new reality of the Mexican State, where personal ways of understanding federalism appear, but also regions of the country that are beginning to demand a revision of the federal pact based on the capacity of self-government or dependence of each state of the Republic, which may result in regional pacts. A reconfiguration of federalism can begin by eliminating from Article 40 of the Constitution the legal aberration that the states are free and sovereign, an idealization that was adopted not from the federal system of the United States, much less from the Cadiz Constitution, but from the Articles of Confederation. Discussions of federalism cannot start from a premise that is false, because their conclusions will always be wrong. The problem with studies of federalism is that they start from the logic of trying to subsume reality to ideological principles, when those principles do not fit the characteristics of our country.

Based on this conceptual rethinking, a change of paradigm is needed, a federal reengineering that considers both the similarities and asymmetries of the country, unifying and homologating what is necessary and strengthening local autonomy where it is possible and required, and not obsessing with constitutional principles that do not correspond to the reality of the country. Consequently, it is necessary to begin by making a study on which states can proclaim themselves as self-governing and which cannot, which states do not depend on the federation and, if so, in which matters and which depend entirely on the federation, in order to, from there, think about a reconfiguration of competences according to these asymmetries and, perhaps, in regional pacts.

REFERENCES

1. Aguilar, J. A. (2014). "Grandes expectativas: la democracia mexicana y sus descontentos". *Revista Mexicana de Ciencias Políticas y Sociales*, UNAM, Nueva época, Año LIX, núm. 222, pp. 19-50.

2. Aguilar, L. (1996). "Hacia un nuevo federalismo en México", *Gaceta Mexicana de Administración Pública Estatal y Municipal. Temas actuales sobre organización y funcionamiento de regímenes federales*, Instituto Nacional de Administración Pública, A.C., No. 54-55, pp. 99-105. Recovered from <http://historico.juridicas.unam.mx/publica/librev/rev/gac/cont/54/ens/ens10.pdf>
3. Aguilar F, Luis y Bustelo, M. (2010). "Gobernanza y evaluación: una relación potencialmente fructífera". *Revista Gestión y Análisis de Políticas Públicas*, Instituto Nacional de Administración Pública, Madrid, N° 4., pp. 23-51. Recovered from <https://www.re-dalyc.org/pdf/2815/281521696002.pdf>
4. Aguirre E. (1997). *Los retos del derecho público en materia de federalismo*. México: UNAM.
5. Armenta, L. A. (2010). *Federalismo*. México: Porrúa-UNAM.
6. Bolívar, S. (2015), *Carta de Jamaica 1815-2015*. Venezuela: Comisión presidencial para la conmemoración del bicentenario de la Carta de Jamaica. Recovered from <https://al-baciudad.org/wp-content/uploads/2015/09/08072015-Carta-de-Jamaica-WEB.pdf>
7. Burgess, M. (2006). *Comparative federalism, theory and practice*, Nueva York: Taylor & Francis e-Library.
8. Burgoa, I. (1996). *Derecho constitucional mexicano*. México: Porrúa.
9. Campos, S. (2012). "Paradojas de la transición democrática: autoritarismo en México", *Estudios Políticos*, No. 27, pp. 21- 45. Recovered from <http://www.revistas.unam.mx/index.php/rep/article/view/33096/30308>
10. Canudas, L. F. (1994). "Irreformabilidad de las decisiones fundamentales de la Constitución", *Revista de la Escuela de Jurisprudencia*. No. 18, 19 y 20, Recovered from <https://revistas-colaboracion.juridicas.unam.mx/index.php/rev-facultad-derecho-mx/article/view/30124/27198>
11. Carpizo, J. (1972). "Sistema federal mexicano", from: *Los sistemas federales del continente americano*. México: UNAM-FCE, pp. 463-548.
12. Carpizo, J. (2011), "Los principios jurídico-políticos fundamentales en la Constitución mexicana", *Revista Derecho del Estado*, Universidad Externado de Colombia, No. 27, pp. 7-21. Recovered from <https://ssrn.com/abstract=1967500>
13. Chaires, J. (2018). "El federalismo como técnica constitucional". *Ciencia jurídica*, Universidad de Guanajuato, year 8, No. 16, pp. 109 – 129.
14. Carrancá y Trujillo, R. (1941). "La unificación de la legislación penal mexicana", *Criminalia*. Academia Mexicana de Ciencias Penales, México.

15. Chiaramonte, J. (2016). *Raíces históricas del federalismo latinoamericano*, Buenos Aires: Sudamericana.
16. Covarrubias, J. J. (2004). *La autonomía municipal en México*. México: Porrúa.
17. Faya, J. (2014). *El federalismo mexicano. Régimen constitucional del sistema federal*. México: Porrúa.
18. Fernández, F. (2003). *El federalismo en América Latina*. México: Cuadernos Constitucionales México-Centroamérica: UNAM-Corte de Constitucionalidad de Guatemala.
19. García, S. (2020). “Un tema persistente: unificación de la Ley Penal”. *Revista Criminalia Nueva Época*, Vol. 86, No. 1, pp. 171-180. Recovered from <https://www.criminalia.com.mx/index.php/nueva-epoca/article/view/25>
20. González, P. (1998). *La democracia en México*. México: Ediciones Era.
21. González, M. (2014). “Federalismo electoral”, *Sufragio*. Época, No. 13, pp. 9-17.
22. González, M. (1993), “Sistema federal y presidencial en México”. *ARSIURIS*, No. 10, Facultad de Derecho, Universidad Panamericana – UNAM, pp. 128-148.
23. Hamilton (1994). *El federalista*. México: FCE.
24. Hastings, Adrian (2000). *La construcción de las nacionalidades*. Madrid: Cambridge.
25. Heller, Hermman (1995). *La soberanía. Contribuciones a la teoría del derecho estatal y del derecho internacional*. México, D.F.: FCE.
26. Hernández, R. (2009). “Los gobernadores y el federalismo. La descentralización del poder”. from *Una historia contemporánea de México*, Vol. 3, Las Instituciones, Bizberg I. and Meyer L. (eds). México: OCEANO – El Colegio de México.
27. Jara, H. (1917). “Congreso Constituyente de los Estados Unidos Mexicanos, Debates Notables”, *Centenario Constitución de los Estados Unidos Mexicanos 1917-2017*. México, Instituto Nacional de Estudios Históricos de las Revoluciones de México, Recovered from: <https://constitucion1917.gob.mx/work/models/Constitucion1917/Resource/251/1/images/021.pdf>
28. Jellinek, G. (2000). *Teoría General del Estado*. México: FCE.
29. Linz, J. (1997). “Democracia, multinacionalismo y federalismo”. *Revista española de Ciencia Política*, Vol. 1, No. 1, pp. 7-40. Recovered from <https://federalistesdesquerres.org/wp-content/uploads/2014/04/312-547-1-SMLinz.pdf>

30. Loveman, B. (1996). "Federalism and democratization in Latin America: A Comparative Analysis and Partial Reform Agenda", San Diego State University. Recovered from: http://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/1308/Federalism_and_democratization_in_Latin_America.pdf?sequence=1
31. Medina, L. (2016). "El federalismo mexicano y la opinión desinformada". *Suplemento Campus Milenio*, november 3th. Recovered from: http://campusmilenio.mx/index.php?option=com_k2&view=item&id=5140:el-federalismo-mexicano-y-la-opinion-desinformada&Itemid=140
32. Mejía, R. y Rojas, L. P. (2018). *Federalismos(s). El rompecabezas actual*. México: FCE.
33. Nieto, A. (1997). *La nueva organización del desgobierno*. Barcelona: Ariel.
34. Olveda, J. (2014). *Autonomía, soberanía y federalismo. Nueva Galicia y Jalisco*, Zapopán, Jalisco: El Colegio de Jalisco.
35. Ortega, R. (1988). *El nuevo federalismo. La descentralización*. México: Porrúa.
36. Paredes, B. (2012), *Dictamen de las Comisiones Unidas de Puntos Constitucionales y de Gobernación, con opinión de la Comisión de Participación Ciudadana, a la minuta del Senado de la República con proyecto de decreto que reforma y adiciona diversas disposiciones de la Constitución Política de los Estados Unidos Mexicanos, en materia de reforma política*, Cámara de Diputados del H. Congreso de la Unión, Recovered from: https://www.te.gob.mx/ccje/Archivos/03_ref_pol.pdf
37. Rabell, E; Nieto, G.; Jiménez J. R. (2013). *Federalismo en México*. México: Universidad Autónoma de Querétaro-Miguel Ángel Porrúa.
38. Samponaro, F. (1981). "La alianza de Santa Anna y los federalistas 1832-1834: Su formación y desintegración". *Historia Mexicana*. Vol. 30, No. 3, pp. 358-390. Recovered from: www.jstor.org/stable/25135743
39. Santos, J. y Porras, F. (2012) "Participación ciudadana y gobernanza local como forma de gobierno en México", *Redes y jerarquías. Participación, representación y gobernanza local en América Latina*, Zaremborg (Coord.), Vol. I, México: FLACSO-IDRC, pp. 138-158.
40. Sartori, G. (2001). *Ingeniería constitucional comparada. Un incentivo de estructura, incentivos y resultados*. México: FCE.
41. Saucedo, J. I. (2018). "El federalismo y el centralismo como ideologías constructoras del Estado mexicano", *1916 rumbo a la Constitución de 1917*. México: UNAM-Instituto de Investigaciones Jurídicas.

42. Serna de la Garza, J. M. (2003). "Federalismo y sistemas de distribución de competencias legislativas", *Estudios sobre federalismo, justicia, democracia y derechos humanos*, Homenaje a Pedro J. Frías. Antonio María Hernández y Diego Valadés, coordinadores. México: UNAM.
43. Serna de la Garza, J. M. (2015). *Percepción sobre el federalismo en México*. México: UNAM.
44. Servando T. M. (2013). "Profecía del doctor Mier sobre la federación mexicana. Sesión del Congreso constituyente del 13 de diciembre de 1823". *La revolución y la fe. Fray Servando Teresa de Mier, una antología genera*. México: FCE-FLM-UNAM.
45. Smith, D. Anthony (2000), *Nacionalismo y modernidad. Un estudio crítico de las teorías recientes sobre naciones y nacionalismo*. Madrid: Istmo.
46. Tena, F. (2001). *Derecho constitucional mexicano*. México: Porrúa.
47. Tocqueville, A. (1998). *La democracia en América*. México: FCE.
48. Thomson, Guy P. C. (1995), "Federalismo y cantonalismo en México, 1824-1892: soberanía y territorialidad", *Anuario IEHS*, Instituto de Estudios Histórico-Sociales, No. 10, Buenos Aires, Argentina: Universidad Nacional del Centro.
49. Villarreal, A. (2019): Federalismo y legislación penal, un análisis sobre su evolución en México. *Ciencia Jurídica*. Vol. 8, No. 16, pp. 69-80. Recovered from: <https://doi.org/10.15174/cj.v8i16.313>
50. Vázquez, J. Z. (1993). "Un viejo tema: el federalismo y el centralismo". *Historia de México*, XLII, 3. El Colegio de México, pp. 621 – 631.
51. Zorrilla, P. (1994). "Descentralización política". *Problemas actuales del derecho constitucional, estudios en homenaje a Jorge Carpizo*. México: UNAM.